

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

December 1, 2004
7:00 p.m.

Bellevue City Hall
City Council Conference Room

COMMISSIONERS PRESENT: Chair Lynde, Vice-Chair Bonincontri, Commissioners Bach, Maggi, Mathews, Robertson

COMMISSIONERS ABSENT: Commissioner Orrico

STAFF PRESENT: Kathleen Burgess, Carol Helland, Mary Kate Berens, Steve Cohn, Michael Paine, Heidi Bedwell, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m. by Chair Lynde who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Bach, who arrived at 7:05 p.m.; and Commissioner Orrico, who was excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Comprehensive Planning Manager Kathleen Burgess reported that the Comprehensive Plan update was approved by the City Council on November 29. The policy relating to the expansion of power substations in residential areas was pulled from the update package. At its December 6 meeting the Council is expected to ask the Planning Commission to expand the scope and continue processing the policy.

5. PUBLIC COMMENT

Mr. Mike Hubbard, 6802 96th Avenue SE, Mercer Island, spoke representing the collective group working on the hospital campus issue. He said the task at hand is to convert a small suburban hospital into a regional hospital facility in one bold move. The healthcare delivery model involving Group Health, Overlake Hospital and the medical office buildings has never been done anywhere in the country and is receiving a lot of national attention. At the same time, the campus is being designed to allow for the expansion of I-405. The design work also implements one phase of the Downtown Implementation Plan, which recommends the extension of NE 10th Street across I-405 to connect with 116th Avenue NE. Everything is on a very tight timeline because of state statutes governing Overlake's Certificate of Need and the business

considerations of Group Health relative to closing their Eastside campus. The overall effort is remarkable in many respects, and there are yet many issues to be resolved. The work to design the Group Health and Overlake Hospital facilities is relatively easy. Other issues will be more complicated to address: gateways on 116th near NE 10th Street; landscaping plans for the overall campus; and creation of an environment in which the medical office buildings along 116th Avenue NE work with the hospital campus.

Mr. Phil Wood, 35 Cascade Key, spoke for the Trammel-Crow Company, the consultant for Group Health. He said Group Health will be making a major financial and business commitment to the city by closing its Redmond campus and seeking to deliver a new form of healthcare in Bellevue. The timeline is very tight for getting all of the issues worked out, including how to put a major roadway, NE 10th Street, right through the middle of the campus. The spirit of partnership that has been displayed to date has been very high and everyone intends to continue working cooperatively. City staff have offered an incredible level of support in helping to work through the issues and keep the project on track.

Ms. Janet Donaldson, 1035 116th Avenue NE, spoke as vice-president of facilities and facility development for Overlake Hospital. She said the hospital is very pleased with the new dynamic partnership that has been formed with Group Health; it will create newfound synergies for quality healthcare in Bellevue and on the Eastside. The two former competitors are collaborating to bring about efficiencies and cost savings. The Overlake Hospital master plan that was developed beginning in 1996 and adopted by the City Council in 2000 will need to be revised. To that end, staff for the partnership have been engaged with city staff for nearly a year and a half. The future of the hospital lies in its ability to grow into a new type of institution.

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

7. STUDY SESSION

A. Comprehensive Plan Amendment and Land Use Code Amendment
– Medical Institution District

Land Use Director Carol Helland said the Environmental Impact Statement (EIS) has two planning horizons: 2007 and 2030. The project-level review is focused on 2007, which is the level necessary to issue permits and entitlements for Group Health and Overlake Hospital to allow for the pursuit of development on the site. The components included in the 2007 analysis are the first segment of NE 10th Street to ensure access to Group Health and the new south tower, the five-story 200,000 square foot south tower which will increase the number of hospital beds by 80, and the first of two medical office buildings fronting 116th Avenue NE. For 2030 the EIS contemplates the addition of 64 beds on top of the south tower, an additional medical office building to the south of the first one, and ramps to and from I-405 and SR-520 to serve the hospital campus. The Downtown Implementation Plan identifies NE 10th as the appropriate location for an overcrossing of I-405 and for ramps connecting to the freeway to improve access for the Downtown and areas to the east of the Downtown.

Ms. Helland said the Washington State Department of Transportation does not like the way the northbound ramps to I-405 at NE 8th operate because of the weave. The alternatives evaluated for 2030 all eliminate the weave in one way or another by putting new ramps at NE 10th Street or NE 12th Street, or at both locations.

In order to thread a new road through the hospital campus, for which there is already a master

plan, it is necessary to take a new look at setbacks and transitioning the campus into more of an urban, vertical form in order to recoup the land area lost in conjunction with the construction of NE 10th Street.

Ms. Helland said three specific Comprehensive Plan amendments have been identified: creation of a new Medical Institution District; amending Wilburton Plan Policy S-WI-2; and amending the Wilburton Plan Map to show the extent of the new Medical Institution District. Because of the timing of the EIS, there was not time to include the Medical Institution District amendment in the 2004 update, and waiting until 2005 will mean the deadlines associated with the hospital's Certificate of Need will expire; for that reason the Council declared the Comprehensive Plan amendment to be an emergency.

The Institutional District of the Comprehensive Plan was originally meant to serve several functions, including the hospital and City Hall. Because City Hall is in the process of moving into the Downtown, the flexibility to accommodate that use is no longer necessary in the Wilburton plan. Staff believes the focus should be shifted to the hospital alone by creating a new district that will meet the specific needs and functional characteristics of a medical institution.

The widening of I-405 adds complexity to the project. As the freeway grows in width it will squeeze the back side of the hospital campus. WSDOT is acting as a partner at the table primarily to make sure opportunities for future I-405 expansion are not precluded by the way the medical campus is developed.

Staff went before the Council shortly after the EIS was issued in November to indicate that an emergency Comprehensive Plan amendment would be needed. At that time the Council provided guidance to the Planning Commission with regard to how the amendment should play out. The focus of the amendment is to be on providing adequate additional development intensity; facilitating the campus redevelopment; encouraging development of an open, accessible and public campus; and conveying a sense of permanence and quality.

Ms. Helland said three sets of principles have been developed to help guide the Comprehensive Plan Amendment and Land Use Code Amendment process. The guiding principles reflect the direction given by Council. They are:

1. Permit appropriate medical institution growth within defined boundaries while minimizing adverse effects associated with urban scale development.
2. Recognize the public purpose and unique character of medical institution uses.
3. Allow for the co-location of a mix of uses and structure types that are necessary to support a primary hospital use. Such uses may include medical institution use with large floor plate needs, specialty care uses, other medical related functions and above and below ground pedestrian and patient connections.
4. Present an appropriate public "face" to the larger community that complements the community's vision. For example, the medical institution should appear open and accessible vs. cold and institutional.
5. Accommodate the changing needs of major medical institutions, provide flexibility for development and encourage high quality site and structure design.

The design principles that have been established are:

1. Achieve high quality design that is pedestrian and transit friendly and compatible with the surrounding community through tailored street frontage and dimensional standards.
2. Encourage pedestrian connectivity that is obvious and inviting throughout the Medical Institution District and with the surrounding neighborhood to encourage transit, carpooling and walking options.
3. Require pedestrian sensitive design and amenities on streets that provide access to the new Medical Institution District and landscaping on non-pedestrian oriented frontages.
4. Incorporate pedestrian sensitive designs and circulation techniques that are compatible with and respond to the functional characteristics of the medical institution uses.
5. Create transitions to adjacent less intense land use districts through variations in the massing of buildings. Standards to achieve this objective include, but are not limited to, building setbacks, building stepbacks, height limits, floorplate limitations, landscaping and enhanced sidewalk widths.
6. Include significant public outdoor open spaces to denote the entrance to the Medical Institution District and to each major medical institution located within the district.

The Commissioners were shown photos of developments that put into practice the various design principles.

Commissioner Maggi asked if there are any plans for pedestrian crossings of 116th Avenue NE. Ms. Helland said the original 1998 hospital master plan included a bridge pedestrian crossing near the parking garage. The hospital intends to keep the bridge in the updated master plan as a facility to serve predominantly hospital campus staff. There has also been discussion of constructing a skybridge between the Group Health and Overlake Hospital facilities. It could also make sense to bridge 116th Avenue NE on the south side of the campus to provide better connection between Whole Foods and the hospital campus. That may be included in the focus of the broader study of uses to the east of 116th Avenue NE.

Ms. Helland noted that the crossing between the Group Health building and the south tower is very important. To ensure the quick moving of patients between the structures, the buildings will need to be as close to each other as possible and the connection easily accessible. A tunnel at the lower level of the buildings is contemplated, along with a surface pedestrian crossing of NE 10th Street and a possible skybridge.

The initial leg of NE 10th Street to be constructed will provide access to the campus from 116th Avenue NE for a cost of just over \$4 million. The full overcrossing spanning I-405 will cost in the range of \$40 million. It is likely that a center curb will be installed running the length of 116th Avenue NE along the hospital campus; in that instance, all driveways will be right-in, right-out only, with the exception of the signalized intersections.

Answering a question asked by Commissioner Bach, Ms. Helland allowed that the primary pedestrian movements will be between buildings on the hospital campus. There will, however, also be movements between the campus and the uses on the east side of 116th Avenue NE. As the campus grows over time, additional growth in medical offices and other uses can be expected to occur around the campus that will generate pedestrian traffic and demand for connections across NE 12th and 116th Avenue NE. Pedestrian accommodations will also be built into the extension of NE 10th Street to better connect the hospital campus with the Ashwood district and the Downtown generally.

Commissioner Robertson asked if the right-of-way necessary to extend NE 10th Street through the campus is owned by the city or the hospital. Ms. Helland said the land is owned by the hospital. The Council adopted a resolution to negotiate in good faith with Overlake Hospital to purchase the right-of-way for the NE 10th Street alignment. In the event the acquisition does not proceed within the timeline necessary for construction, the Council has indicated that it will use its condemnation authority.

Commissioner Robertson asked if the city has the authority to require the hospital to create public amenities and pedestrian connections on NE 10th Street. Ms. Helland said the proposal is to construct the first leg of the NE 10th Street extension concurrent with the Group Health and south tower developments. NE 10th Street will be a public road, and the city will be responsible for the design of the roadway and pedestrian amenities. The city will also require the hospital to include sidewalks on the private roads that connect to NE 10th Street to ensure connectivity.

Commissioner Bach asked if there are any plans for bike lanes on NE 10th Street. Ms. Helland responded that because of the need to have the Group Health and south tower facilities as close together as possible, the roadway width needs to be the minimum necessary. She added that in Bellevue bicycles are allowed on the sidewalks. When the ramps are constructed, the NE 12th Street overcrossing will likely be built with a higher level of pedestrian and bicycle amenities. Commissioner Bach commented that there are no roads with bike lanes crossing I-405 in downtown Bellevue.

Mr. Hubbard explained that lifesaving activities are measured in seconds, and every second counts. The medical staff would prefer to see the Group Health and south tower buildings touching each other; they do not want to see patient care compromised in any way just to accommodate traffic.

Chair Lynde concurred with Commissioner Bach relative to the need for bike lanes on NE 10th Street.

Ms. Helland said the process principles are:

1. Give clear guidelines and development standards on which the medical institution can rely for long-term planning and development.
2. Provide adjacent property owners and citizens notice of the development plans of the medical institution.
3. Provide both a long-term plan and a phasing plan.
4. Allow the city to anticipate and plan for public capital and programmatic actions that will be needed to accommodate development.
5. Provide the basis for determining appropriate mitigation to avoid or reduce adverse impacts from medical institution growth.
6. Provide for efficient and timely processing of the initial plan and subsequent amendments.

Ms. Helland said the Draft Environmental Impact Statement was issued on November 4. The Council then initiated the emergency CPA on November 8. The Commission schedule calls for an additional study session on December 15 if necessary, a study session on January 12, a public hearing on January 19, another study session on January 26 if needed, and development of a recommendation to the Council on February 2. The Final Environmental Impact Statement is slated to be released on February 24, and the Council is set to adopt the amendments to the Comprehensive Plan and the Land Use Code as early as March 7.

There was general consensus in favor of adopting the principles as outlined.

B. Land Use Code Amendment
– Critical Areas

Legal Planner Mary Kate Berens informed the Commission that the Council acted on November 29 to adopt the amendments to the Environmental Element of the Comprehensive Plan. She said a request was also put to the Council for funding to prepare a development manual to serve as a companion to the Land Use Code Amendment. The Council indicated support for the proposal but in the end elected not to fund the request.

Environmental Planning Manager Michael Paine said under the mandates of the Growth Management Act, all local environmental regulations must employ the best available science, protect the functions and values of critical areas, and give special consideration to the conservation and protection measures necessary to preserve anadromous fisheries. Best available science describes ecological functions, recommends measures to protect those functions, and allows for the incorporation of non-scientific information, such as other values

that occur in the context of local governments, provided there is a risk analysis and offsetting measures.

Mr. Paine explained that the term “functions” refers to the ecological role critical areas play, and the term “values” refers to a measure of the performance of the functions. When talking about protecting the functions and values, the focus is on maintaining the structure of critical ecosystems. There can be localized impacts, provided they are allowed sparingly, for a good cause, and there is no net loss in the value of the functions.

The habitat attributes that are important in reference to streams and riparian systems rely on processes in the watershed that act at all times in providing the functions. The processes are both biological and physical. The thinking is that by protecting the processes and assuring their continuation over time, the desirable habitat characteristics being sought will develop. The problem for urban areas is that so much is out of balance, and the processes that are protected are overwhelmed by processes that are not protected. For example, urban areas have trouble with hydrology, and if nothing is being done to control hydrology, the net effect can overwhelm the protections put in place. Once processes are altered, the ability of streams to support salmon and other fish and wildlife is compromised.

The functions to be protected in riparian corridors include habitat for fish, amphibians and invertebrates; vehicle for surface water runoff; and aesthetic values. Riparian vegetation provides cover for fish, moderates stream temperatures, provides food and nutrients and woody debris which is instrumental in forming the pool structures fish need, and sediment filtering. There is an obvious direct linkage between the aquatic ecosystem and the upland ecosystem that is represented by the riparian vegetation; the health of the overall system is clearly tied to the riparian zone.

Mr. Paine said there is a litany of negative effects from urbanization, and they are critical to understanding why systems are where they are. Urbanization has cleared vegetation and replaced it with impervious surfaces. The cleared areas once served critical stream function roles by affecting hydrology and erosion. The result is a loss of riparian vegetation, greatly disrupted stream channels that are simplified and more unstable, and a loss of habitat complexity and diversity.

The Benthic index is a measure of the insect life on the bottom of a stream. The index provides an indication of the health of a stream. In many urban streams in Bellevue, the Benthic index is very low. Fish have not been successful in trying to adapt to the greatly changed circumstances. As areas urbanize, less and less land area remains to buffer riparian corridors.

Forests are remarkably effective in taking rainwater and putting it back into the atmosphere. In a normal forest, 40 percent of the annual precipitation is transpired directly back into the air; it never even hits the ground. The balance infiltrates into the ground. Only a fraction is converted to surface runoff. The opposite is true in urban environments where less than 20 percent of the annual rainfall goes back into the air, and the surface runoff is increased dramatically, often in

the form of flooding. Storing runoff in tanks or ponds that provide filtration over time cannot mimic the actual effects of the natural forest.

Commissioner Bach asked if green buildings have much of an impact. Mr. Paine answered that all low-impact development techniques have a positive impact by effectively taking runoff and dealing with it on-site. Much of the water captured by green buildings transpires back into the air. Low-impact development is considered to be the real hope in trying to turn the hydrology around with respect to natural systems.

Mr. Paine said the new regulations should be more user friendly, reasonable and flexible. There should be incentives built in, and they should balance the best available science requirements with other GMA-identified goals. An environmental review will be done for the proposal including an EIS and a risk analysis. The regulatory side will have prescriptive standards and programmatic options. A city program option will also be evaluated. Under the SEPA requirements, a No Action scenario must also be included.

Mr. Paine said the regulatory regime will be developed to allow an applicant to come forward, use the development regulations, move through the process and get a permit. Or an applicant could take what is being called an off ramp and conduct a critical areas evaluation, a tightly scoped evaluation of the site characteristics and the impacts their project might have. They would have to come up with appropriate mitigations, if necessary, and get a permit. If an applicant cannot be successful taking the off ramp, they must go back to the development regulations approach. The city could choose to look simultaneously at a variety of different properties that share similar characteristics instead of evaluating them one site at a time.

Ms. Berens commented that in crafting regulations, the city must consider the impacts of urbanization on protecting critical area functions and values while at the same time balancing the protections against the realities of an urban environment. For instance, the city could simply choose to widen all stream buffers to 300 feet, but consideration would have to be given to how that would affect the urban street structure and the rest of the built environment that cannot reasonably be expected to change or go away.

Mr. Paine allowed that there is a clear consensus that buffers are critical to aquatic habitat protection. However, streams will not necessarily be improved by simply requiring a larger buffer. In addition to protecting key stream functions, buffers act to insulate the resource from high-intensity development. The impact development has on the edges of the buffers is significant, and the higher the intensity of the development, the greater the potential impacts. There is agreement that higher intensity uses require wider buffers.

The effectiveness of buffers is thought to decrease with increasing distance from the resource. There is no consensus with regard to buffer widths, though there is some consensus around a minimum width. Some jurisdictions allow for variable width buffers based on specific site conditions and functions; the approach is labor intensive, requires expertise, and for most developers is impractical. Fixed buffers are far more common, easier to administer, and require less expertise, but they must be sized conservatively in order to address a variety of situations.

The two-zone concept is a variation of the fixed buffer approach; it allows for an inner buffer of a fixed width, and an outer buffer of a variable width depending on the intensity of development and the importance of the resource.

In determining buffer widths, it is important to pay attention to the overall network of streams. In many ways the biggest influence buffers have is on the smaller streams.

A study done in 2000 for Kitsap County summarizes the literature around the various functions and values and includes a chart of conservative recommended minimum buffer widths. For example, for sediment removal where relevant, 80 percent occurs within the first 98 feet. The recommended minimum buffer for a variety of functions coalesces around that same width, provided that hydrology is not significantly altered.

Mr. Paine said staff is recommending abandoning the aquatic area typing system currently used by the city in favor of the state typing system.

Ms. Berens explained that King County did an extensive best available science review and analysis in putting together its recommendation. The state commented significantly on the county's original ordinance, voicing particular concern with regard to the proposal for the urban areas. The county recognized that its urban recommendations were not consistent with best available science and wrote a justification, to which the state responded that the justification could not be supported. The county, state and Master Builders Association then sat down together and hammered out a new ordinance for the urban areas that is reported to be acceptable to those three parties. The county ordinance is not the model ordinance and does not have the stamp of being GMA-compliant. It does, however, stand as an indication of the bar set for compliance in urban areas, at least from the perspective of the state. Accordingly, the document could serve as something the courts would look to in the event of a challenge, though it has not been tested by the courts.

Mr. Paine noted that the buffer recommendations for Renton, Woodinville and Redmond are higher for Type S waters than recommended by King County. Woodinville allows for a reduction in buffer size where approved enhancements are made. He said the recommendation for Bellevue is 100 feet for both Type S and Type F waters, which is in line with the recommendation of King County. Bellevue has not recommended a structure setback from the buffer.

There was consensus in favor of adopting the state aquatic area typing system.

Ms. Berens said that in the current code Type A streams have a protected area buffer of 50 feet and a structure setback of 20 feet. As a matter of course, the city is amenable to modifying the 20-foot structure setback in many cases. Staff believes having the two dimensions creates confusion and that the better approach would be to simply define the width of the area that cannot be touched. There are, of course, effects on the edge from development, and the drawback is that during construction there is likely to be some impact in an area of the first part of the buffer; though restoration would be required. There also is the potential for enforcement

pressures as people continue to use their properties and push the limits as far as possible with patios, decks and the like.

Mr. Paine allowed that to some extent the city will rely on private developers to site developments reasonably so that houses are not constructed directly on the edge of the buffer. There could also be some automatic dimensional flexibility built into the system, such as relaxing of front yard setbacks to better protect the buffers from intrusion. The closer homes are sited next to buffers, the more of the buffer that will be lost over time.

Chair Lynde said she could support either the addition of a building setback or an increase in the size of the overall buffer without a building setback. She agreed that there should be flexibility built in to allow for unforeseen circumstances.

Commissioner Maggi said she likes the idea of building in some flexibility.

Commissioner Bach proposed that a buffer of 100 feet should be adequate, without an additional building setback. There is not much developable land left within riparian corridors in Bellevue. Ms. Berens said she would research how many parcels could be affected.

Mr. Paine allowed that the proposed 100-foot buffer will cause a number of structures to become nonconforming. He pointed out, however, that even with a 50-foot buffer many structures are nonconforming. Commissioner Maggi commented that the city does not seem to have a strong inclination toward getting rid of nonconforming uses.

Commissioner Bonincontri noted that the proposal includes more than a doubling of the buffer size for the least significant streams and she asked why. Mr. Paine said there are a couple of reasons. He stressed the need to make decisions based on the overall system. What happens in the upper watershed in the smallest of streams is extremely important to sustaining the health of the streams in the lower sections. Without a buffer, cold water quickly heats up, and that affects the viability of fish further down in the system. The current buffers are way below what the best available science recommends, and that is why the recommendation is to increase them by more than twice. Under GMA it is possible to increase the Type N buffers beyond the minimum recommended and reduce the Type O buffers to below the minimum recommended as a balancing act, but the buffers for both types cannot be reduced together without running afoul of the best available science.

Ms. Berens agreed to work with the proposed buffer widths and to add in a structure setback with specific guidelines for modifying the structure setback. She said she would also at a future meeting share with the Commission information from other jurisdictions as well as the number of vacant parcels and those likely to redevelop within the riparian corridors. She also said she would work on identifying the number of parcels that could be affected in going from 100 feet to 115 feet, including the structure setback.

Mr. Paine informed the Commissioners that the county is proposing much larger buffer widths for rural areas. Most jurisdictions are making allowances for urban areas recognizing that some

functions cannot be provided by the buffer. For example, in most instances within Bellevue it will not be possible to just allow woody debris to come down naturally; the trees may come down the wrong way, or they may create a dam and cause local flooding. To make up that function it may be necessary to fund a program that will put woody debris into the streams in a way that will withstand the impacts of hydrology.

Chair Lynde suggested that Bellevue's code will be far more defensible if it is written to match that of King County with regard to buffer widths and setbacks. It is not an impossible task to work with nonconforming properties.

Commissioner Maggi held that buffers should be practical in their application. The largest buffers should be reserved for those areas where they will do the most good. Mr. Paine agreed, noting that over time buffers grow vegetation and become better at controlling surface water runoff. If the areas where the surface water is captured and channeled directly to streams in a concentrated fashion are left unchanged, a buffer of any size will have little or no positive effect on that particular function; e.g. water quality.

Commissioner Robertson offered support for the proposed buffer widths, adding that she could also support adding an additional structure setback. The numbers appear to be defensible. Mr. Paine said in the opinion of staff the numbers are defensible. The work done by King County was handled by some of the best minds in the state, and it would be very difficult to prove their numbers wrong. However, to say that a buffer 15 feet narrower will not do the same job would be a stretch.

Commissioner Matthews agreed with establishing the buffer at 100 feet, adding that he could support an additional setback for structures. Bellevue is developed at an overall higher density than King County is, and that is a factor that should be taken into consideration. Several of the area jurisdictions that are moving to have wider buffers also have a lot of undeveloped land and far less density than Bellevue. Whatever approach is taken, Bellevue will still end up with a lot of nonconforming structures.

There was consensus to accept the buffers as recommended by staff, and to develop an additional setback for structures.

Ms. Berens said staff is working to have an updated best available science report by the middle of January 2005. Once that is in hand, a risk analysis of the proposal will be done as part of the EIS. That information will be shared with the Commission when it is available.

Mr. Paine noted that there are some piped stream segments in Bellevue. There is Comprehensive Plan language that suggests restoration is appropriate in some cases. What is missing is code language that lays out specifically what should trigger restoration of piped sections. The suggestion of staff is to leave piped sections alone if a proposed project will not actually disturb them. There may be cases, however, where a new bridge or culvert segment is needed along with a specific project, and in those instances it would be appropriate to daylight the stream.

Even then, the issue should not be pushed if the environmental benefit that would result is disproportionate to the cost of daylighting.

Answering a question asked by Commissioner Bach, Mr. Paine said there are specific regulations in the current code that speak to when water quality treatment is appropriate and when it is not. The trigger is the amount of actual disturbance on a site. The critical areas ordinance will not address those decisions, though a new stormwater code may be written within a year or two as a part of the National Pollution Discharge Elimination System permit process.

Commissioner Matthews asked if redevelopment of a site that impacts a portion of a piped stream segment would trigger daylighting of the entire piped segment, or only the section the project affects. Ms. Berens said developers cannot be forced to mitigate past impacts. The reopening of a piped stream would have to be tied to a specific mitigation.

Mr. Paine said the stewardship program was an idea that had its basis in the notion that stream property owners have either an interest or an obligation to take care of the sensitive resources. Staff believes that significant incentives should be developed to encourage stream property owners to take a hand in managing such areas. One such incentive could be some degree of relief from the onerous regulatory effects of the buffer. There would have to be a minimum buffer size that cannot be reduced, but significant restoration efforts could be traded for a smaller buffer width. Something would have to be recorded against title for future owners of the properties if a buffer reduction is allowed in exchange for some activity. There would have to be some manner of monitoring to show that there has been no net loss.

Ms. Berens said staff is working to keep the website updated with the latest information. A mailed notice will be sent out to all interested parties to announce the website. Once the preliminary phase of study sessions with the Planning Commission is completed, a couple of open house events will be scheduled, probably in March. The public hearing will occur in the April-May timeframe.

8. OLD BUSINESS

The Commissioners briefly reviewed the calendar of upcoming meetings.

9. APPROVAL OF MINUTES

A. October 20, 2004

Motion to approve the minutes as submitted was made by Commissioner Robertson. Second was by Commissioner Maggi and the motion carried unanimously.

10. NEW BUSINESS – None

11. PUBLIC COMMENT – None

12. ADJOURNMENT

Chair Lynde adjourned the meeting at 10:06 p.m.

Staff to the Planning Commission

Date

Chair of the Planning Commission

Date